

(NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 3, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 17, 1999.

Francis X. Lyons,
Regional Administrator, Region 5.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart P—Indiana

2. Section 52.770 is amended by adding paragraph (c)(125) to read as follows:

§ 52.770 Identification of Plan.

* * * * *

(c) * * *

(125) On April 6, 1999, Indiana submitted amended rules for the control of volatile organic compound emissions from vehicle refueling in Clark, Floyd,

Lake, and Porter Counties as a revision to the State Implementation Plan.

(i) *Incorporation by reference.*

326 Indiana Administrative Code 8–1: General Provisions, Section 0.5: Definitions and 326 Indiana Administrative Code 8–4: Petroleum Sources, Section 6: Gasoline Dispensing Facilities. Adopted by the Indiana Air Pollution Control Board May 3, 1995. Filed with the Secretary of State September 18, 1995. Published at Indiana Register, Volume 19, Number 2, November 1, 1995. Effective October 18, 1995.

[FR Doc. 99–28039 Filed 11–2–99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY–75–1–9910a; KY–97–1–9911a; FRL–6465–6]

Approval and Promulgation of Implementation Plans, Kentucky: Approval of Revisions to the Kentucky State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; Withdrawal.

SUMMARY: On September 13, 1999, EPA published a direct final rule (64 FR 49404) approving, and an accompanying proposed rule (64 FR 4925) proposing to approve the Louisville 15 Percent Rate-of-Progress Plan (15 percent plan) which was submitted on November 12, 1993, and amended on June 30, 1997. As stated in the **Federal Register** document, if adverse or critical comments were received by October 13, 1999, the effective date would be delayed and timely notice would be published in the **Federal Register**. Therefore, due to receiving adverse comments within the comment period, EPA is withdrawing the direct final rule and will address all public comments received in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this document.

DATE: The direct final rule published on September 13, 1999 (64 FR 49404) is withdrawn as of November 3, 1999.

FOR FURTHER INFORMATION CONTACT: Scott M. Martin, Regulatory Planning Section, Air Planning Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 61 Forsyth Street, SW, Atlanta, Georgia 30303–3104. The telephone number is (404) 562–9036.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule located in the final rules section of the September 13, 1999, **Federal Register** (64 FR 49404).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: October 19, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 99–28390 Filed 11–2–99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 52

[OH 129–1a; FRL–6464–5]

Approval and Promulgation of Maintenance Plan Revisions; Ohio

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: USEPA is approving an August 19, 1999, request from Ohio for a State Implementation Plan (SIP) revision of the Columbiana County ozone maintenance plan. The maintenance plan revision establishes a new transportation conformity mobile source emissions budget for the year 2005. USEPA is approving the allocation of a portion of the safety margin for oxides of nitrogen (NO_x) to the area's 2005 mobile source emissions budget for transportation conformity purposes. This allocation will still maintain the total emissions for the area at or below the attainment level required by the transportation conformity regulations. The transportation conformity budget for volatile organic compounds will remain the same as previously approved in the maintenance plan.

DATES: This rule is effective on January 3, 2000, unless USEPA receives adverse written comments by December 3, 1999. If adverse comment is received, USEPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Send written comments to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West